

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TI GROUP AUTOMOTIVE
SYSTEMS, LLC, a Delaware
Limited Liability Company,

Plaintiff,

v.

CASE NO. 05-73690
HON. LAWRENCE P. ZATKOFF

E-LINE CORP., a Florida
Corporation,

Defendant.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff filed his Complaint on September 27, 2005. Plaintiff's Complaint contains the following four counts:

- Count I Trademark Infringement (15 U.S.C. § 1114);
- Count II False Designation of Origin (15 U.S.C. § 1125);
- Count III Violation of the Michigan Consumer Protection Act; and
- Count IV Common Law Trademark Infringement

See Complaint.

The Court has subject matter jurisdiction over Counts I and II, because they arise under federal law. *See* 28 U.S.C. § 1331. Counts III and IV, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in this matter. The Court finds that the

contemporaneous presentation of Plaintiff's parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's claims based on Michigan law (Counts III and IV) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Counts I and II).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: October 17, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 17, 2005.

s/Marie E. Verlinde

Case Manager

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